IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 410 OF 2007
IN
SUIT NO. 249 OF 2007

Simplex Engineering & Foundry Works Pvt.Ltd., .. Plaintiff.

V/s.

Atlas Logistics Pvt.Ltd. .. Defendant.

Mr.Ravi Kadam, Advocate General with Mr.C.D.Mehta i/by M/s.Dhruve Liladhar & Co. for the Plaintiff.

Mr.D.D.Madon, Sr.Counsel with K.H.Halai i/by Halai & Co. for the Defendant.

CORAM : S. A. BOBDE, J.

DATED : 26th FEBRUARY, 2007.

P.C.:

. After hearing the matter for some time, the learned counsel for the defendant agreed to hand over requisite documents to the plaintiff to enable the plaintiff to release Niles machines from the custom authority as also the Betts machines, when that machines reaches the Mumbai Port, on the plaintiff's furnishing a security in the sum of 3,28,000 US dollars in the form of a Bank Guarantee to the extent of 200,000/-US $ and the fixed deposit receipt for the balance in rupees equivalent. However, the defendant shall deposit in

this court a sum of 47,000/- US $ or rupees equivalent to it whatever is permissible, within a period of two weeks from today.

2. The defendant shall be at liberty to apply for withdrawal of this amount of 47,000/-US$ upon delivering the Betts machines to the plaintiff in accordance with the contract.

3. In case the plaintiff withdraws the suit, the defendant shall be entitled to withdraw the amounts deposited in the court under this order. In normal course, the amounts deposited in the court shall be disbursed according to such orders that the court may pass finally.

4. Motion stands disposed of.

(S.A.BOBDE,J.)

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